

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

SECRETARY OF STATE - RULES AND RULEMAKING

1. Title and its heading:
Chapter and its heading:
Article and its heading:

1, Rules and the Rulemaking Process
1, Secretary of State - Rules and Rulemaking
1, General Provisions
2, The Arizona Administrative Register
3, Arizona Administrative Code
4, Rule Drafting
5, Proposed Rulemaking
6, Final Rulemaking
7, Emergency Rulemaking
8, Summary Rulemaking
9, Exempt Rulemaking
10, Recodification

Section numbers:

R1-1-101, R1-1-103 through R1-1-114, R1-1-201 through R1-1-205,
R1-1-207 through R1-1-212, R1-1-301, R1-1-302, R1-1-401 through
R1-1-404, R1-1-406 through R1-1-415, R1-1-501, R1-1-502,
R1-1-504, R1-1-506, R1-1-507, R1-1-601, R1-1-602, R1-1-701,
R1-1-801, R1-1-901, R1-1-902, R1-1-1001
The Office may add, delete, or modify additional
Sections as necessary.

2. The subject matter of the proposed rule:

This rulemaking will amend the Secretary of State's rules on the rulemaking process. The changes are necessary to make the rules uniform and consistent, improve clarity, comply with changes in statute, and respond to requests for updates by agency rulewriting personnel. The Office began similar updates to 1 A.A.C. 1 in April 1999 and April 2001. The Office published a Notice of Proposed Rulemaking at 7 A.A.R. 5306, November 30, 2001, which generated numerous comments from agency rulewriters. Due to the extent of the changes to the proposed rules that the Office intends to make, and in anticipation of legislative changes to the APA, the Office chose to terminate the proposed rules and begin the rulemaking process a third time, rather than submit a Notice of Supplemental Proposed Rulemaking.

3. A citation to all published notices relating to the proceeding:

Notice of Termination of Rulemaking: 8 A.A.R. 2168, May 17, 2002
Notice of Proposed Rulemaking: 7 A.A.R. 5306, November 30, 2001
Notice of Rulemaking Docket Opening: 7 A.A.R. 1679, April, 2001
Notice of Proposed Rulemaking: 5 A.A.R. 1474, May 21, 1999
Notice of Rulemaking Docket Opening: 5 A.A.R. 1022, April 9, 1999

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: John J. Kyl
Editor, Arizona Administrative Code

Address: Office of the Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Telephone: (602) 542-4751

Fax: (602) 542-4366

E-mail: jkyl@sos.state.az.us

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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Oral and written comments will be accepted at the location listed in item #4 between 8:00 a.m. and 5:00 p.m., Monday through Friday. Comments will be accepted until the close of record, which has not yet been determined. A hearing date will be set in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

Unknown

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE - PLANT SERVICES DIVISION

1. Title and its heading:

Chapter and its heading:

Article and its heading:

Section numbers:

3, Agriculture

4, Department of Agriculture - Plant Services Division

2, Quarantine

R3-4-230

As a part of this rulemaking, the Department may add, delete or modify additional Sections as necessary.

2. The subject matter of the proposed rule:

This rulemaking will update language and terminology used in the rule. The current publication standards of the Office of the Secretary of State will be applied to the rule.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Sherry D. Blatner, Rules Specialist

Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@agric.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday

Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday

Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007

6. A timetable for agency decisions or other action on the proceeding, if known:

Unknown

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF AGRICULTURE - PLANT SERVICES DIVISION

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 4, Department of Agriculture - Plant Services Division
Article and its heading: 4, Seeds
Section numbers: R3-4-407
As a part of this rulemaking, the Department may add, delete or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**
This rulemaking will modify outdated language and increase the phytosanitary field inspection fees to the statutory maximum amount. The current publication standards of the Office of the Secretary of State will be applied to the rule.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Sherry D. Blatner, Rules Specialist

Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007

Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherry.blatner@agric.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday

Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
CHILD CARE GROUP HOMES

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 3, Department of Health Services - Child Care Group Homes
Article and its heading: 1, General
2, Certification
3, Administration
4, Program and Equipment Standards
5, Physical Environment Standards
Section numbers: R9-3-101 through R9-3-507 (ADHS may add or delete Sections as necessary.)
- 2. The subject matter of the proposed rule:**
The current rules for child care group homes are located in 9 A.A.C. 5, Articles 7 through 10. Chapter 5 also includes the rules for child care facilities, more commonly referred to as day care centers. ADHS has observed that having the rules for child care facilities and child care group homes in the same Chapter has resulted in confusion among stakeholders regarding the standards that apply to each. To alleviate this confusion, ADHS intends, in a separate rulemaking, to repeal the rules for child care group homes in Chapter 5, Articles 7 through 10, and to amend Article 1 as necessary to conform to

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the repeal of the child care group home rules. In this rulemaking, the Department intends to adopt rules for child care group homes in a new Chapter 3 entitled "Child Care Group Homes."

In addition to separating the rules for child care group homes from the rules for child care facilities, this rulemaking will update the standards for child care group homes, will clarify the rules, and will bring the rules into compliance with current rulemaking format and style requirements.

The agency docket number: RE-016-02

- 3. A citation to all published notices relating to the proceeding:**
None

- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Lourdes Ochoa, Health Program Manager III
Address: Arizona Department of Health Services
Division of Assurance and Licensure Services
Office of Child Care Licensure
1647 E. Morten, Suite 230
Phoenix, AZ 85020

Telephone: (602) 674-4220

Fax: (602) 861-0674

E-mail: lochoa@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Room 102
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 542-1090

E-mail: kphilli@hs.state.az.us

- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

ADHS will accept written comments until the close of record, which has not yet been determined. ADHS has not scheduled any oral proceedings at this time.

- 6. A timetable for agency decisions or other action on the proceeding, if known:**
None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES**

- 1. Title and its heading:**
Chapter and its heading:
Article and its heading:

9, Health Services
5, Department of Health Services - Child Care Facilities
1, Definitions
7, Certification of Day Care Group Homes
8, Day Care Group Home Administration
9, Program and Equipment for Day Care Group Homes
10, Activity Areas and Physical Facility Standards for Day Care Group Homes
R9-5-101 and R9-5-701 through R9-5-1006 (ADHS may modify additional Sections as necessary.)

Section numbers:

- 2. The subject matter of the proposed rule:**

The current rules for child care group homes are located in 9 A.A.C. 5, Articles 7 through 10. Chapter 5 also includes the

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rules for child care facilities, more commonly referred to as day care centers. ADHS has observed that having the rules for child care facilities and child care group homes in the same Chapter has resulted in confusion among stakeholders regarding the standards that apply to each. To alleviate this confusion, ADHS intends to repeal the rules for child care group homes in Chapter 5, Articles 7 through 10; to amend Article 1 as necessary to conform to the repeal of the child care group home rules in Chapter 5; and, in a separate rulemaking, to adopt rules for child care group homes in a new Chapter 3 entitled "Child Care Group Homes." This rulemaking will repeal the current rules for child care group homes in Chapter 5, Articles 7 through 10, and will amend Article 1 as necessary to conform to the repeal of the child care group home rules in Articles 7 through 10.

The agency docket number: RE-015-02

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Lourdes Ochoa, Health Program Manager III

Address: Arizona Department of Health Services
Division of Assurance and Licensure Services
Office of Child Care Licensure
1647 E. Morten, Suite 230
Phoenix, AZ 85020

Telephone: (602) 674-4220

Fax: (602) 861-0674

E-mail: lochoa@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator

Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Room 102
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 542-1090

E-mail: kphilli@hs.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

ADHS will accept written comments until the close of record, which has not yet been determined. ADHS has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES**

1. Title and its heading:
Chapter and its heading:
Article and its heading:

9, Health Services
6, Department of Health Services - Communicable Diseases
1, Definitions
2, Communicable Disease Reporting
3, Control Measures for Communicable and Preventable Diseases
5, Rabies Control
6, Tuberculosis Control
R9-6-101 through R9-6-103, R9-6-105, R9-6-106, R9-6-201 through
R9-6-204, R9-6-301 through R9-6-307, R9-6-310 through R9-6-322,

Section numbers:

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R9-6-324 through R9-6-329, R9-6-331 through R9-6-359, R9-6-361 through R9-6-375, R9-6-501 through R9-6-504, and R9-6-601 through R9-6-604 (ADHS may modify additional Sections as necessary.)

2. The subject matter of the proposed rule:

ADHS completed a five-year review report for 9 A.A.C. 6 in December 1999. The five-year review report was approved by the Governor's Regulatory Review Council in March 2000. As a result of the five-year review, ADHS intends to complete three separate rulemakings to take the actions proposed in the five-year review report. One of those rulemakings has already been completed. This represents the third of the three rulemakings.

In this rulemaking, ADHS will amend R9-6-101 to update and clarify the definitions, to add any definitions needed, and to make the rule consistent with current rulemaking format and style requirements. ADHS will renumber and amend R9-6-102, R9-6-103, R9-6-105, and R9-6-106 to update and clarify the definitions, to add any definitions needed, to make the rules consistent with current rulemaking format and style requirements, and to move the definitions into the Articles to which they pertain.

In Articles 2, 3, 5, and 6 ADHS may renumber and will amend the rules as necessary to update and clarify the rules and to make the rules consistent with current rulemaking format and style requirements. In addition, in Article 6, ADHS will amend the rules to bring the rules into compliance with current statutory authority.

The agency docket number: RE-017-02

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Ken Komatsu, Epidemiology Program Manager
Address: Arizona Department of Health Services
Bureau of Epidemiology and Disease Control Services
Office of Infectious Disease Services
3815 N. Black Canyon Highway
Phoenix, AZ 85015
Telephone: (602) 230-5932
Fax: (602) 263-4943
E-mail: kkomats@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Room 102
Phoenix, AZ 85007
Telephone: (602) 542-1264
Fax: (602) 542-1090
E-mail: kphilli@hs.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

ADHS will accept written comments until the close of record, which has not yet been determined. ADHS has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF WATER RESOURCES

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 15, Department of Water Resources
Article and its heading: 7, Assured and Adequate Water Supply
Section number: R12-15-705
- 2. The subject matter of the proposed rule:**
Rulemaking undertaken pursuant to this docket opening will amend R12-15-705 to incorporate changes mandated by Laws 2000, Chapter 391.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Charles L. Cahoy, Deputy Counsel

Address: Arizona Department of Water Resources
500 N. 3rd St.
Phoenix, AZ 85004

Telephone: (602) 417-2420

Fax: (602) 417-2415
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will accept written comments Monday through Friday between 8:00 a.m. and 5:00 p.m. Please refer to the Notice of Proposed Rulemaking for information regarding scheduling of an oral proceeding.
- 6. A timetable for agency decisions or other actions on the proceeding, if known:**
Following receipt of all comments and closing of the record, the Department will proceed to publication of the Notice of Final Rulemaking as soon as possible.

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DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 5, Department of Transportation - Commercial Programs
Article and its heading: 4, Dealers
Section numbers: R17-5-408
- 2. Subject matter of the proposed rule:**
R17-5-408 is a new rule proposed by the Division. It prescribes the Division's responsibilities for two types of suspensions. The Division shall suspend dealer and manufacturer license plates for three months under conditions prescribed in A.R.S. § 28-4538 by Laws 2001. The Division shall suspend issuance of temporary registration plates when there are violations of conditions prescribed in A.R.S. § 28-4554, by Laws 2001. This rule also describes the appeal process for these suspensions. The rule will conform to the requirements of both the Secretary of State and the Governor's Regulatory Review Council for clear, concise, and understandable language.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel to whom persons may communicate regarding the rule:**
Name: Troy A. Walters, Rules Analyst

Address: Arizona Department of Transportation
Administrative Rules Unit, Mail Drop 507M
3737 N. 7th St., Suite 160
Phoenix, AZ 85014-5017

Telephone: (602) 712-6722

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Fax: (602) 241-1624

E-mail: twalters@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters, address: www.dot.state.az.us/about/rules.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Oral and written comments will be accepted at the location listed in item #4, between 8:00 a.m. and 4:00 p.m., Monday through Friday.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

BANKING DEPARTMENT

1. Title and its heading:

Chapter and its heading:

Article and its heading:

Section numbers:

20, Commerce, Banking, and Insurance

4, Banking Department

15, Collection Agencies

R20-4-1501, R20-4-1503, R20-4-1506, R20-4-1507, R20-4-1508,
R20-4-1509, R20-4-1510, R20-4-1511, R20-4-1512, R20-4-1513,
R20-4-1514, R20-4-1515, R20-4-1516, R20-4-1517, R20-4-1518,
R20-4-1519, R20-4-1520, R20-4-1521

2. The subject matter of the proposed rule:

These Sections control the conduct of the collection agency business in Arizona. On November 7, 2000, the Council approved the Department's five-year rule review report. In that report, the Department promised to revise or repeal several Sections of Article 15. This rulemaking is to fulfill that promise.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: John P. Hudock

Address: Banking Department
2910 N. 44th St., Suite 310
Phoenix, AZ 85018-7270

Telephone: (602) 255-4421, ext. 167

Fax: (602) 381-1225

E-mail: jhudock@azbanking.com

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department accepts written comments during business hours at the address stated in item #4 of this Notice. Comments are welcome at any time until the close of the record in this proceeding. The date for closure of the record depends on the publication date of the actual proposed rules, which has not yet occurred. Notice of any opportunity to make public oral comment will be published as required by law.

6. A timetable for agency decisions or other action on the proceeding, if known:

No timetable has been projected or established. By January 2003 the Department expects to submit the text of final rules to the Council.